

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TUDOR INSURANCE COMPANY,

Plaintiff,

-against-

FIRST ADVANTAGE LITIGATION  
CONSULTING, LLC,

Defendant.

Case No.  
11 CV 3567 (LAK)

**DECLARATION IN  
OPPOSITION TO  
MOTION TO DISMISS  
AND CHANGE VENUE**

-----X  
FIRST ADVANTAGE LITIGATION  
CONSULTING, LLC,

Counter-Claimant and Cross-  
Complainant,

-against-

AMERICAN INTERNATIONAL SPECIALTY  
LINES INSURANCE COMPANY, FEDERAL  
INSURANCE COMPANY, TUDOR INSURANCE  
COMPANY, ZURICH AMERICAN INSURANCE  
COMPANY,

Counter-Claim Defendants  
-----X

Thomas J. Cirone, an attorney admitted to practice before this Court, declares as follows under penalty or perjury:

1. I am a partner of Goodman & Jacobs LLP, attorneys for Counter-Claim Defendant Federal Insurance Company ("Federal"). I make this Declaration based on my personal knowledge of these proceedings and upon information and belief the sources of which include my review of the exhibits annexed hereto. I respectfully submit this

Declaration in opposition to Defendant-Counter-Claimant-Cross- Complainant First Advantage Litigation Consulting, LLC's ("First Advantage") motion to dismiss, stay or transfer venue.

2. Annexed as Exhibit A is a true and accurate copy of First Advantage's Answer and Counter-Claim.

3. On July 13, 2011, counsel for all parties participated in a Rule 26(f) conference call.

4. Annexed as Exhibit B is a true and accurate copy of Federal's Answer which was filed on July 25, 2011.

5. Plaintiff-Counter-Claim Defendant Tudor Insurance Company filed its Answer on July 18 and Counter-Claim Defendants American International Specialty Lines Insurance Company and Zurich American Insurance Company filed their Answers on July 29, 2011.

6. Annexed as Exhibit C are, collectively, true and accurate copies of the declarations pages of the Chubb Commercial Excess And Umbrella Insurance policies that Federal issued to First American Corporation for the policy periods April 19, 2002 to April 19, 2003, April 19, 2003 to April 19, 2004, April 19, 2004 to April 19, 2005 and April 19, 2005 to April 19, 2006. See, supra, Exh. B, ¶ 20.

7. Annexed as Exhibit D are, collectively, true and accurate copies of the First Amended Complaint and the Answer of First American Corporation in the action entitled Tonya M. Anderson v. First American Corporation et al, Civil Action No. 3:04-CV-1884-M, which was venued in the United States District Court for the Northern District of Texas.

Dated: New York, New York  
August 3, 2011



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Thomas J. Cirone (TC 1510)

First.Advantage.Dec.Opp.Venue

Index No. 11 CV 3567 (LAK)

Year

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FIRST ADVANTAGE LITIGATION CONSULTING, LLC,

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FIRST ADVANTAGE LITIGATION CONSULTING, LLC,

Counter-Claimant and  
Cross-Complainant,

-against-

AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY,  
FEDERAL INSURANCE COMPANY, TUDOR INSURANCE COMPANY, ZURICH  
AMERICAN INSURANCE COMPANY,

Counter-Claim Defendants.

DECLARATION IN OPPOSITION TO MOTION  
TO DISMISS AND CHANGE VENUE

Signature (Rule 130-1.1-a)

Print Name Beneath

Attorneys for  
GOODMAN & JACOBS LLP  
Defendant Federal Insurance Company  
Office and Post Office Address, Telephone  
75 BROAD STREET - 30TH FLOOR  
NEW YORK, N.Y. 10004  
(212) 385-1191

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir: — Please take notice

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a  
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order  
settlement to the Hon.  
of the within named court, at  
on

of which the within is a true copy will be presented for  
one of the judges

at

M.

Dated,

Yours, etc.

GOODMAN & JACOBS LLP

Attorneys for

Office and Post Office Address

75 BROAD STREET

NEW YORK, N.Y. 10004

To

Attorney(s) for